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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,249	12/15/2003	Dan B. Nelson	OWT 0196 PUS	6432
22045	7590	07/13/2005	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			GOODMAN, CHARLES	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/736,249

Applicant(s)

NELSON ET AL.

Examiner

Charles Goodman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Amendment filed on 29 April 2005 has been entered.

#### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Mroczkowski (US 4,336,831).

Mroczkowski discloses a tool for cutting wood material comprising all the elements claimed including, *inter alia*, a fluoropolymer coating, i.e. Teflon, forming a low friction surface for cooperating with a workpiece placed thereon. See c. 8, ll. 14-20.

It is noted that, e.g., the “enabling” function of claim 1 is inherent due to the coating. The same applies to the other independent claims in the obviousness rejection *infra*.

#### ***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

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commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art of Record in view of Mroczkowski.

The Prior Art of Record discloses the invention substantially as claimed in that the scroll saw, band saw, and the circular table saws, i.e. "motorized wood working tool," and the claimed features for these saws are all prior art with the exception of the tabletop surface having a fluoropolymer coating. In that regard, Mroczkowski clearly teaches a wood working table (8) having a fluoropolymer coating, i.e. Teflon, forming a low friction surface for cooperating with a workpiece placed thereon. See c. 8, ll. 14-20. Due to the fact that it is old and well known in the wood working art that low friction surfaces are desirable, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the Prior Art of Record with the coating as taught by Mroczkowski in order to provide a low friction surface for working of wood.

Regarding claims 5 and 15, the modified device of the Prior Art of Record in view of Mroczkowski discloses the invention substantially as claimed except that Mroczkowski is silent on primer coating for application of the fluoropolymer coating. On the one hand, in terms of structure, how the fluoropolymer coating is applied, i.e. the method of application, is not germane to the structure itself. In the alternative, application of a primer coating prior to applying the fluoropolymer coating is old and well known in the art in situations where the substrate may not have the material characteristic suitable or sufficient for application of the fluoropolymer coating.

Therefore, the Examiner takes Official Notice that it would have been obvious to the ordinary artisan at the time of the instant invention to provide primer coating for application of the fluoropolymer coating as noted *supra*.

Regarding e.g. claim 8, these are all well known art recognized forms of fluoropolymer coating material that provide low friction, e.g. Teflon.

Regarding e.g. claim 6, these are well known materials for the tabletop in the wood working art.

### ***Response to Arguments***

7. Applicant's arguments filed 29 April 2005 have been fully considered but they are not persuasive.

In response to Applicant's basic argument that Mroczkowski does not anticipate the claimed invention because Mroczkowski's teachings are somehow limited to the region of the tabletop beneath the sliding plate, this argument lacks merit. Mroczkowski clearly teaches that the Teflon coating is not limited to the sliding plate (46) nor is this coating limited to the area beneath the sliding plate on the tabletop. Mroczkowski clearly teaches at least in part in c. 8, ll. 4-20, that "... or the table [table 8] can have a low-friction covering...a Teflon coating". Nowhere does Mroczkowski teach that the Teflon coating should only be limited to certain areas in which the sliding plate may be used. Moreover, Mroczkowski's teachings are not so limited that a sliding plate must be used since the other embodiments of Mroczkowski's inventions do not utilize a sliding plate, e.g., in Figs. 9-11. None of these embodiments use a sliding plate and the workpiece (e.g. 56 in Fig. 9) is *directly* on the tabletop (8). Furthermore, the argued

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limitation in the claims are functional to the extent that they are related to the interaction between the workpiece and the structure of the invention. In that regard, the workpiece is not given significant patentable weight, since it has been held that expressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim, *Ex parte Thibault*, 164 USPQ 666, 667 (Bd. App. 1969), the inclusion of material or article worked upon by a structure being claimed does not impart patentability to the claims, *In re Young*, 75 F.2d 966, 25 USPQ 69 (CCPA 1935), and the material or article worked on by an apparatus does not distinguish the apparatus from prior art which works on a different material or article if the apparatus otherwise is met by the reference, *In re Casey*, 152 USPQ 235 (CCPA 1967). Substantially the same applies to the rest of Applicant's arguments since all are couched on the assertion that Mroczkowski lacks the coating directly between the workpiece and the tabletop.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the


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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (571) 272-4508. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (571) 272-4514. In lieu of mailing, it is encouraged that all formal responses be faxed to (703) 872-9306. Beginning July 15, 2005, the new fax number will be changed to **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

cg   
July 11, 2005

  
**Charles Goodman**  
**Primary Examiner**  
**AU 3724**

**CHARLES GOODMAN**  
**PRIMARY EXAMINER**